

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

2005 08-04 P 1:49

In re: Electrical Receptacle Products)
Liability Litigation,)

MDL No. 1595.)

Civil Action No. 9:04-1595-SB

ORDER

April Cramer; Timothy J. Hardt; and)
Joseph C. Dembeck, individually and)
on behalf of all others similarly)
situated,)

Plaintiffs,)

-vs-)

Leviton Manufacturing Company, Inc.,)

Defendant.)

Civil Action No. 9:03-3229-SB

ORDER

Christie L. Kittle; Guy Saporito; Loretta)
Saporito; Jeffrey Coffield; and Crystal)
Coffield, on behalf of themselves and)
all others similarly situated,)

Plaintiffs,)

-vs-)

Leviton Manufacturing Company, Inc.,)

Defendant.)

Civil Action No. 9:04-1137-SB

ORDER

Thomas and Edna Richey, on behalf)
of themselves and all others similarly)
situated,)

Plaintiffs,)

-vs-)

Leviton Manufacturing Company, Inc.,)

Defendant.)

Civil Action No. 3:04-2259-SB

ORDER

Carole J. Smolkin, on behalf of herself
and all others similarly situated,

Plaintiff,

-vs-

Leviton Manufacturing Company, Inc.,

Defendant.

Civil Action No. 9:04-23261-SB

ORDER

Joseph M. Szydlowski, on behalf of
himself and all others similarly
situated,

Plaintiff,

-vs-

Leviton Manufacturing Company, Inc.,

Defendant.

Civil Action No. 9:04-23263-SB

ORDER


These matter are before the Court pursuant to a transfer by the Judicial Panel on Multidistrict Litigation [JPML]. The Plaintiffs in each case filed a motion to remand based on the lack of diversity jurisdiction, specifically the amount in controversy requirement. There has been significant briefing and oral argument on this issue, as well as a brief stay pending the United States Supreme Court's decision in Exxon Mobil Corp. v. Allapattah Servs., Inc., — U.S. —, 125 S. Ct. 2611 (Jun. 23, 2005). Counsel for the Defendant has notified this Court that Leviton wishes to withdraw its objection to the pending motions, and that it consents in the listed cases to a remand back to the state courts in which they were originally filed.¹

¹ The Court notes that the Defendant has included within the scope of its consent the case of Robert Everest v. Leviton Mfg. Co., currently pending in the District of Maine (Civil Action No. 2:04-242). Initial objection to the conditional transfer order was withdrawn, and the matter was officially transferred to this Court by the JPML on March 3, 2005. However, for reasons unknown, the Everest

Based on the foregoing, it is ORDERED as follows:

1. The case of Cramer v. Leviton Mfg. Co., Civil Action No. 9:03-3229-SB, is remanded to the Court of Common Pleas for Beaufort County, South Carolina;
2. The case of Kittle v. Leviton Mfg. Co., Civil Action No. 9:04-1137-SB, is remanded to the Circuit Court of Marshall County, West Virginia;
3. The case of Richey v. Leviton Mfg. Co., Civil Action No. 3:04-2259-SB, is remanded to the Court of Common Pleas for Richland County, South Carolina;
4. The case of Smolkin v. Leviton Mfg. Co., Civil Action No. 9:04-23261-SB, is remanded to the Circuit Court for Baltimore County, Maryland; and
5. The case of Szydlowski v. Leviton Mfg. Co., Civil Action No. 9:04-23263-SB, is remanded to the Circuit Court of Wayne County, Michigan.

IT IS SO ORDERED.


Sol Blatt, Jr.
Senior United States District Judge

August 4, 2005
Charleston, S.C.

case was administratively stayed pending this Court's ruling on the motions to remand, but was never actually transferred to this Court. Hence, it has never been assigned a civil action number within this District. To the extent this Court has jurisdiction over the matter, the Everest action is also remanded to the state court in which it was originally filed.

The Court also notes that, after the remands ordered herein, there are only two actions still pending in this JPML transfer: Anthony Cimpric v. Eagle Elec. Mfg. Co., Civil Action No. 9:03-3213, and Rodney Carter v. Eagle Elec. Mfg. Co., Civil Action No. 9:04-1125. Argument on the Plaintiffs' motions to remand in these cases will be scheduled in the near future.